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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,500	12/05/2003	Doug Hill	HILL-001AX	7268

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Bourque & Associates, P.A.
Suite 301
835 Hanover Street
Manchester, NH 03104

EXAMINER


LANGDON, EVAN H

ART UNIT PAPER NUMBER

3654

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/730,500	Applicant(s) HILL ET AL.	
	Examiner Evan H Langdon	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10-13, 15, 16 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 6, 9, 14 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood how the manually adjustable dynamic drag mechanism and the static drag mechanism are connected to a first and a second brake mechanism. It was understood by the interview with Paul Kroon, Jr. Esq., Doug Hill and Mark McMenemy on 31 August 2004, that there was one brake mechanism.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8, 10-13, 15, 16 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Munroe (4,657,201).

Munroe discloses a fishing reel comprising:

a frame 12 adapted to rotatably support a spool 25 adapted to contain a line thereon;

a static drag mechanism 110, 112, 102, 142 connected to a brake mechanism (Fig. 3-5),

the static drag mechanism applying a static resistance against rotation of the spool wherein the

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static resistance includes a constant minimum amount or resistance against rotation of the spool, as explained in col. 9, on lines 25-33; and

a manually adjustable dynamic drag mechanism 142, 151, 143, 150 connected to the brake mechanism and applying a dynamic resistance against rotation of the spool, as explained in col. 9, on lines 46-50, the manually adjustable dynamic mechanism adjustably adding up to a preset amount of dynamic resistance against rotation of the spool thereby defining a total maximum resistance against the spool, where the total maximum resistance against rotation of the spool includes the sum of the static and the dynamic resistance. The static resistance is set by rotation of the screw 142 to set a constant preset resistance, and the dynamic resistance is manually adjustable to be the amount of static resistance remain and added dynamically by depressing screw 142. The two added together equal a total maximum drag.

In regards to claim 2, Munroe discloses the dynamic and the static brake mechanisms are two brake mechanisms connected to a common brake mechanism.

In regards to claim 3, Munroe discloses the brake mechanism includes:

a ratchet plate 70 disposed coaxially with the spool 25 supported by the frame;

a friction ring 100 substantially surrounding an outer surface of the ratchet plate; and

a yoke (clamp or vice) 102 substantially surrounding an outer perimeter the friction ring 100.

In regards to claim 4, Munroe disclose the brake member includes calipers 110, 112 and a brake rotor 70, where the brake rotor is disposed coaxially with the spool 25 and supported with the frame.

In regards to claim 5, Munroe discloses the static brake mechanism to included:

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a static drag selection device 142, disposed on an outside surface of the frame, and coupled to a static drag adjustment cam 112; and

an adjustment link pin 145 disposed between the static drag adjustment cam 142 and the brake device 142, wherein the static resistance against rotation of the spool is adjusted by rotating the static drag selection device 142 thereby rotating the static drag adjustment cam about pin 140, which in turn moves the adjustment link pin 145 thereby altering said static resistance against rotation of the spool exerted by the brake mechanism.

In regards to claim 7, Munroe discloses the manually adjustable dynamic drag mechanism to comprise:

a lever 142, 145, pivotably mounted 140 about the frame; and

linkage 112 connecting the lever to the brake mechanism.

In regards to claim 8, Munroe discloses the manually adjustable dynamic drag mechanism further comprises an adjustable lever mechanism 142.

In regards to claim 10, Munroe discloses the lever 142, 145 is disposed such that the lever does not substantially protrude past an outer perimeter of the frame, as seen in Figures 3-5.

In regards to claim 11, Munroe discloses a fishing reel comprising:

a frame 12 adapted to support a spool 25 having line;

a brake mechanism (Fig. 3-5) coupled to the spool;

a static drag mechanism 110, 112, 102, 142 connected the brake mechanism, the static drag mechanism applying a static resistance against rotation of said spool 25, as explained in col. 9, on lines 25-33, the static drag mechanism including:

static drag knob 142 disposed on an outer surface of the frame;

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a static drag adjustment cam 112 coupled to the static drag knob 142; and
a second linkage 140 connecting the static drag adjustment cam to the brake mechanism;
and

a manually adjustable dynamic drag mechanism 142, 151, 143, 150 connected to the brake mechanism via a first linkage 145, the manually adjustable dynamic drag mechanism adjustably adding up to a preset maximum amount of dynamic resistance against rotation of the spool in addition to the static resistance, as explained in col. 9, on lines 46-50.

In regards to claim 12, Munroe discloses the brake mechanism includes:

a ratchet plate 70 disposed coaxially with the spool 25 supported by the frame;
a friction ring 100 substantially surrounding an outer surface of the ratchet plate; and
a yoke (clamp or vice) 102 substantially surrounding an outer perimeter the friction ring
100.

In regards to claim 13, Munroe disclose the brake member includes calipers 110, 112 and a brake rotor 70, where the brake rotor is disposed coaxially with the spool 25 and supported with the frame.

In regards to claim 15, Munroe discloses the manually adjustable dynamic drag mechanism to comprise:

a lever 142, 145, pivotably mounted 140 about the frame; and
linkage 112 connecting the lever to the brake mechanism.

In regards to claim 16, Munroe discloses the manually adjustable dynamic drag mechanism further comprises an adjustable lever mechanism 142.

In regards to claim 18, Munroe discloses the lever 142, 145 is disposed such that the lever does not substantially protrude past an outer perimeter of the frame, as seen in Figures 3-5.

With respect to claims 19 and 20, the method described in these claims would inherently result from the use of the fishing reel of Munroe as advanced above.

In regards to claim 20, Munro discloses the static resistance is adjustable between approximately zero and approximately total maximum resistance (col. 9, lines 25-60).

In regards to claim 21, Munroe discloses a fishing reel comprising:
frame 12 adapted to rotatably support a spool 25;
static drag mechanism 110, 112, 102, 142 connected to a brake mechanism, the
static drag mechanism applying static resistance against rotation of said spool as,
explained in col. 9, on lines 25-33, wherein the static resistance includes constant, minimum
amount of resistance against rotation of the spool; and

a manually adjustable dynamic drag mechanism 142, 151, 143, 150 applying dynamic
resistance against rotation of said spool, as explained in col. 9, on lines 46-50, the manually
adjustable dynamic drag mechanism including:

lever 142 pivotably disposed about the frame such that the lever does not substantially
protrude past an outer perimeter of the frame; and

linkage 145 connecting the lever to the brake mechanism, the manually adjustable
dynamic drag mechanism adjustably adding to a preset maximum amount of dynamic resistance
against rotation of the spool thereby defining total maximum resistance against rotation of the
spool, wherein total maximum resistance against rotation the spool includes the sum of the static
resistance and the preset maximum amount of dynamic resistance. The static resistance is set by

rotation of the screw 142 to set a constant preset resistance, and the dynamic resistance is manually adjustable to be the amount of static resistance remain and added dynamically by depressing screw 142. The two added together equal a total maximum drag.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-8, 10-13, 15-16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 6, 9, 14 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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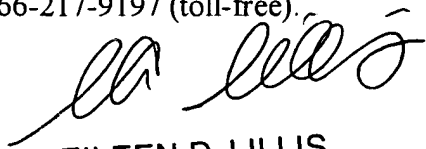
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600